

UNITED STATES DISTRICT COURT
Northern District of California

THE BOARD OF TRUSTEES ET AL,

No. C 12-01368 CW (MEJ)

Plaintiff(s),

v.

**ORDER FOR PLAINTIFFS TO FILE
PROPOSED FINDINGS OF FACT &
CONCLUSIONS OF LAW**

C & L COATINGS, INC.,

Defendant(s).

Plaintiffs are hereby ORDERED to file proposed findings of fact and conclusions of law by December 14, 2012 at noon. A copy of the proposed findings in either WordPerfect or Word format must also be emailed to mejpo@cand.uscourts.gov. No chambers copies need to be submitted. Plaintiffs' submission shall be structured as outlined in Attachment A below, and shall include all relevant legal authority and analysis necessary to establish the case.

IT IS SO ORDERED.

Dated: December 13, 2012



Maria-Elena James
Chief United States Magistrate Judge

ATTACHMENT A

* * *

I. INTRODUCTION

(Relief sought and disposition.)

II. BACKGROUND

(The pertinent factual and procedural background, including citations to the Complaint and record.)

III. DISCUSSION

A. Jurisdiction and Service of Process

1. Subject Matter Jurisdiction

(The basis for the Court's subject matter jurisdiction, including citations to relevant United States Code provisions and/or cases.)

2. Personal Jurisdiction

(The basis for the Court's personal jurisdiction. If seeking default judgment against any out-of-state defendants, this shall include a minimum contacts analysis under *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004)).

3. Service of Process

(The adequacy of the service of process on the party against whom default is requested, including relevant provisions of Federal Rule of Civil Procedure 4.)

B. Legal Standard

(An explanation of the default judgment standard under Federal Rule of Civil Procedure 55(b)(2) and the factors considered in the Ninth Circuit under *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986)).

C. Application to the Case at Bar

(A breakdown of each individual factor in *Eitel*, separated by numbered headings. Plaintiff shall include citation to cases that are factually similar, preferably within the Ninth Circuit.)

D. Relief Sought

(An analysis of any relief sought, including damages, attorneys' fees, etc. If attorneys' fees and costs are sought, the proposed findings shall include the following: (1) Evidence supporting the request for hours worked, including a breakdown and identification of the subject matter of each person's time expenditures, accompanied by actual billing records and/or time sheets; (2) Documentation justifying the requested billing rates, such as a curriculum vitae or resume; (3) Evidence that the requested rates are in line with those prevailing in the community, including rate determinations in other cases of similarly complex litigation, particularly those setting a rate for the plaintiff's attorney; and (4) Evidence that the requested hours are reasonable, including citations to other cases of similarly complex litigation (preferably from this District)).

IV. CONCLUSION

(Disposition, including any specific award amount(s) and judgment.)

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